

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs,

v.

JOSHUA MAST, *et al.*,

Defendants.

Case No. 3:22-cv-49-NKM-JCH

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants filed motions to dismiss in this matter, ECF Nos. 85, 86, 88, 90-92, and have argued, in part, that the validity of the state-court adoption order granted to Defendants Joshua and Stephanie Mast was dispositive of this case. *See, e.g.*, Joshua and Stephanie Mast's Mem. in Supp. of Mot. to Dismiss (ECF No. 86) at 12 (arguing that "all of [Plaintiffs'] causes of action, and all 12 declarations they seek, are premised on the theory that the Adoption Order is invalid"); *id.* at 14 ("While the Does ostensibly bring tort claims for damages, each claim is premised on the alleged invalidity of the Virginia Adoption Order"); Richard Mast's Mot. to Dismiss (ECF No. 88) at 23 (arguing that "Defendant Joshua Mast has a valid final Virginia adoption order"). Plaintiffs have contested these assertions and, in any event, the Circuit Court for Fluvanna County cast doubt on Defendants' reliance on the final adoption order when it vacated that order as *void ab initio*. *See* Pls.' Notice of Supp. Auth. (ECF No. 198) (advising this Court of the Fluvanna County Circuit Court's vacatur of the final order of adoption on March 30, 2023).

Plaintiffs now advise this Court of the attached published decision from the Court of Appeals of Virginia, issued today, July 16, 2024. *See* Ex. 1. In the unanimous opinion, the appeals

court not only upheld the circuit court's decision to void the final order of adoption but also "reverse[d] its decision to leave the interlocutory adoption order and custody order in place." *Id.* at 22. "Because the circuit court lacked the power to render the interlocutory and final adoption orders and the J&DR court lacked subject-matter jurisdiction to issue the custody order," the Court of Appeals of Virginia found "all the orders here void ab initio." *Id.*

Dated: July 16, 2024

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

By: /s/ Maya M. Eckstein
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